

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>RICK ALLEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 08 C 676</b>
	)	
<b>v.</b>	)	<b>Judge Kendall</b>
	)	
<b>INV. K. ELLIS #248, INV. SMITH #371,</b>	)	<b>Magistrate Judge Cox</b>
<b>and INV. JONES #454, individually,</b>	)	
	)	<b>Jury Demand</b>
<b>Defendants.</b>	)	

**JOINT STATUS REPORT**

NOW COMES the Plaintiff, RICK ALLEN, by and through his attorneys, Gregory E. Kulis and Associates, and the Defendants, KEVIN ELLIS, ZACHARY SMITH and WILLIAM JONES, by and through his attorneys, The Cook County State's Attorney's Office, and for their Joint Status Report, states as follows:

**1. The attorneys of record for each party including the attorney(s) expected to try the case:**

For Plaintiff:

Gregory E. Kulis  
David S. Lipschultz  
Gregory E. Kulis and Associates

For Defendants:

Sarah M. Burke  
Cook County State's Attorney's Office

**2. The basis for federal jurisdiction:**

28 U.S.C. § 1331 (Federal Question) and § 1343 (Civil Rights)

**3. The nature of the claims asserted in the complaint and any expected counterclaim:**

Claims: 42 U.S.C. § 1983 False Arrest and Excessive Force.

No expected counterclaims.

**4. The name of any party not yet served and the circumstances regarding non-service:**

None.

**5. The principal legal issues;**

- (a) Whether the Defendants had probable cause to stop, search and arrest the Plaintiff; and
- (b) The objective reasonableness of the force used by the Defendants against the Plaintiff.

**6. The principal factual issues;**

- (a) The Plaintiff's and the Defendants' conduct on the date of the incident.
- (b) The nature of the force, if any, used by the Defendants.
- (c) The nature and extent of the physical injuries and damages suffered by the Plaintiff.

**7. Whether a jury trial is expected by either party:**

The parties request a trial by jury.

**8. A short description of any discovery undertaken to date and any anticipated in the future:**

As the Defendants' attorney filed her appearance on March 25, 2008, discovery has not commenced. Both sides will exchange Rule 26(a) disclosures and written discovery requests in April 2008. The number of depositions needed is not yet known. At this time the parties are unable to determine whether expert witnesses will be retained.

**9. The earliest date the parties will be ready for trial and the length of the trial.**

April 2009. At this time, the length of the trial is expected to be between 3 and 5 days.

**10. Whether the parties unanimously consent to proceed before the Magistrate Judge:**

Not at this time.

**11. The status of any settlement discussions and whether the parties request a settlement conference.**

As the Defendants' attorney filed her appearance on March 25, 2008, settlement has not been discussed. The parties do not request a settlement conference at this time.

Respectfully submitted,

/s/ David S. Lipschultz  
Gregory E. Kulis and Associates  
For the Plaintiff  
ARDC No. 6277910

/s/ Sarah M. Burke  
Cook County State's Attorney's Office  
For the Defendants  
ARDC No. 6277202

Filed By:  
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